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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,735	03/21/2000	Shalom Levin	445440	7129
30954 7590 04/01/2008				
LATHROP & GAGE LC 2345 GRAND AVENUE SUITE 2800 KANSAS CITY, MO 64108				
EXAMINER				
KOVACS, ARPAD F				
ART UNIT		PAPER NUMBER		
3671				
MAIL DATE		DELIVERY MODE		
04/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/531,735

Applicant(s)

LEVIN ET AL.

Examiner

Árpád Fábán-Kovács

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22, 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-15, 18, 21-22, 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

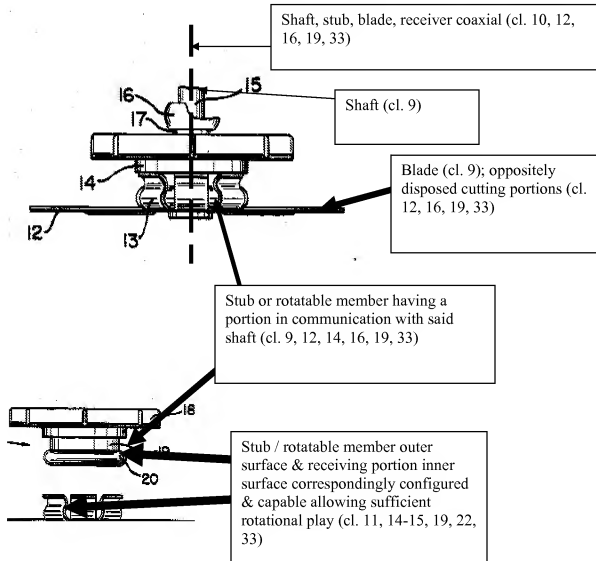
In re cl. 14 & 15, 18, 21-22, 33, 35: “a portion” and/or “a rotatable member” already claimed earlier in the claim and/or parent claim; see: “a portion” and/or “a rotatable member”; the recitation appears to duplicating what has already been claimed.

In re cl. 35: the phrase “a manner to such that retaining forces ... are greater than rotational forces on said lawnmower blade” is confusing, unclear.

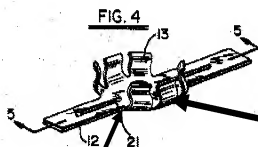
Claim Rejections - 35 USC § 102

3. Claims 12-22, 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (3670413).

Weber discloses a lawnmower blade assembly comprising:

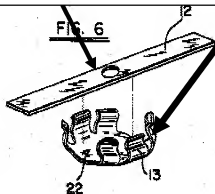


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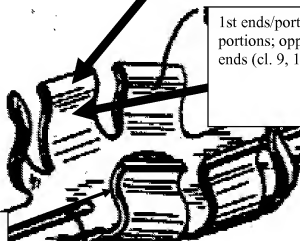


Blade body including platform
(cl. 12, 16, 19, 33)

Receiver coupled to the blade having flexible members & receiving portion (cl. 9, 12, 14, 16, 19, 33); the flexible members / bodies / spring clips with spring like behavior (cl. 13, 17, 20, 34); retaining forces to be greater than the rotational forces of the blade (cl. 35)



2nd ends/portions, force/pressure acting thereon moves the engaging portions/first portions outward, which allows disengagement of the stub (cl. 9, 12, 16, 19, 33)



1st ends/portions & engaging portions; opposite of the second ends (cl. 9, 12, 16, 19, 33)

Protrusions (cl. 33)

Grooves (cl. 33)

Response to Arguments

Applicant's arguments filed 1/22/2008 have been fully considered but they are not persuasive.

Applicant's argument in re 35 USC 112, second paragraph rejection is not convincing. It is noted that there are a number of portions recited in the claim(s). Also, there was "at least portion of the rotatable member" already introduced in the parent claim. It is unclear if a second, third etc... portion is being introduced in the claim(s). The "rotatable member" already introduced in the parent claim, therefore it is unclear "a rotatable member" is another/second rotatable member or should be "said rotatable member." The retaining forces on "a portion" being greater than on the rotational blade is unclear; the applicant needs to clearly identify which portion, how it is done, and provide proof in the disclosure & identify where such "portion" is taught to have the claimed design parameter.

Applicant's argument in re claim 9, a canceled claim, is in error.

Applicant's argument that the first portion and the second portion is "different and separate" from each other is confusing. The marked up figure above clearly shows where each portions are located. Applicant appears to mischaracterize the prior art and fails to adhere to examiner's interpretation, as outlined in the rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián-Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Árpád Fábíán-Kovács/
Primary Examiner, Art Unit 3671